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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : H. KETTLER

Group Art Unit: 3618

Appln. No : 09/584,497

Examiner: T. Winner

Filed : June 1, 2000

For : VEHICLE STEERING HEAD

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**ELECTION WITH TRAVERSE**

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Examiner's restriction requirement of May 15, 2001, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, i.e., June 14, 2001, Applicants hereby elect Species II shown in figures 7-17, on which at least pending claims 1-4, 6-46 and 47-58 are readable, with claim 1 being indicated by the Examiner to be generic to both species, and with claims 57 and 58 also believed by Applicant to be generic to both species. The above election is made with traverse for the reasons set herein below.

In the Official Action of May 15, 2001, the Examiner indicated that all claims (1-58) were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Species I directed to figures 1-6 and Species II directed to figures 7-17. With claim 1 being indicated to be generic.

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Applicant respectfully submits that the Examiner has omitted the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. § 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required. Specifically, the Examiner has failed to alleged a possible distinction between the two identified Species of invention and the Examiner has not shown that a concurrent examination of these species would present a "serious burden."

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First, Applicant respectfully submits that the Examiner has failed to establish that these species are different and mutually exclusive as set forth in M.P.E.P. § 806.04(f). Specifically, the Examiner has failed to identify limitations in the claims which are found in the first species (Species I) but not in the second species (Species II) and vice versa.

Second, the Examiner has not shown that a concurrent examination of these species, would present a "serious burden" and there is no appropriate statement that the search areas required to examine the invention of species I would not overlap into the search areas for examining the invention of species II, and vice versa.

Accordingly, Applicant respectfully submits that the search for the combination of features recited in the claims of the above-noted species, even if not totally co-extensive, would appear to have a very substantial degree of overlap. Because the search for each species of invention is substantially the same, Applicant submits that no undue or serious

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burden would be presented in concurrently examining Species I and II.

Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction and species requirement in this application.

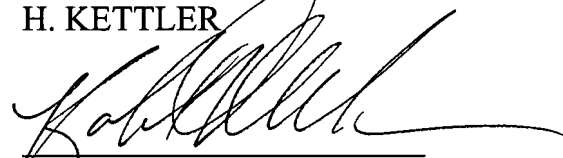
For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicant has elected, with traverse, Species II, i.e., at least claims 1-4, 6-46 and 47-58, with claims 1, 57 and 58 being generic to both species, in the event that the Examiner chooses not to reconsider and withdraw the species requirement.

The Patent and Trademark Office is hereby authorized to charge any necessary fees in connection therewith or any fees necessary to preserve the pendency of this application to deposit account No. 19-0089.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

June 14, 2001  
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Respectfully submitted,  
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